

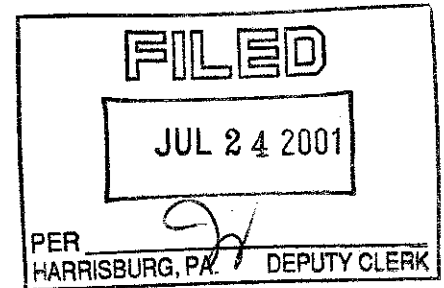
See attached

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7/25/01
JP

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PHAN HUE,	:	CIVIL NO. 1:CV-01-1064
	:	
Plaintiff	:	(Judge Kane)
	:	
v.	:	(Magistrate Judge Smyser)
	:	
JAMES UPDIKE, P.A.,	:	
JOSEPH MATALONI,	:	
EDWARD O'BRIAN and	:	
DALE HAZLAK,	:	
	:	
Defendants	:	

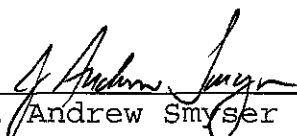
ORDER



On June 15, 2001, plaintiff filed the captioned complaint pursuant to 42 U.S.C. § 1983. He also filed an application to proceed *in forma pauperis*. Plaintiff did not use this court's form application to proceed *in forma pauperis* or file an authorization form to have funds deducted from his prison trust fund account. He will be directed to do so.

THEREFORE, this 24th day of July, 2001, **IT IS HEREBY ORDERED that** plaintiff shall complete fully and return to the court the attached application to proceed *in forma pauperis* and authorization form on or before **August 7, 2001**. The Clerk is

directed to provide the application to proceed *in forma pauperis* and the authorization form to the plaintiff. If the plaintiff does not file the required form, the complaint will be dismissed.



J. Andrew Smyser
Magistrate Judge

Dated: July 24, 2001.

AUTHORIZATION

(Prisoner's Account Only)

NOTE: Completing this authorization form satisfies your obligation under 28 U.S.C. § 1915(a)(2) to submit a certified copy of your trust fund account.

I, _____, request and authorize the agency holding me in custody to send to the Clerk of Court, United States District Court for the Middle District of Pennsylvania, a certified copy of the statement for the past six months of my trust fund account (or institutional equivalent) at the institution where I am incarcerated. I further request and authorize the agency holding me in custody to calculate and disburse funds from my trust account (or institutional equivalent) in the amounts specified by 28 U.S.C § 1915(b).

This authorization is furnished in connection with the filing of a civil action, and I understand that the filing fee for the complaint is \$150.00. I also understand that the entire filing fee will be deducted from my account regardless of the outcome of my civil action. This authorization shall apply to any agency into whose custody I may be transferred.

Date: _____, 19____

Signature of Prisoner

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

	:	
	:	
	:	
	:	Civil Case No.
	:	
	:	
Name of Plaintiff(s)	:	Judge
v.	:	
	:	
	:	(Number and Judge to be assigned by court)
	:	
	:	
	:	
Name of Defendant(s)	:	

APPLICATION TO PROCEED IN FORMA PAUPERIS

PLEASE READ CAREFULLY AND FULLY COMPLETE EACH SECTION.

1. _____ I am willing to pursue my claims in this action under the new provisions of The Prison Litigation Reform Act, understanding that pursuing my claim requires payment of a partial filing fee and deduction of sums from my prison account when funds exist until the filing fee of \$150.00 has been paid in full.

2. _____ I have enclosed an executed Authorization form which authorizes the Institution holding me in custody to transmit to the Clerk a certified copy of my trust account for the past six (6) months as well as payments from the account in the amounts specified by 28 U.S.C. §1915(b).

3. Have you, prior to the filing of the complaint in this action and while a prisoner as that term is defined in 28 U.S.C. § 1915(h), brought 3 or more actions or appeals in a court of the United States that were dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted? Yes _____ No _____
 - (a) If the answer is "yes," are you now seeking relief because you are under imminent danger of serious physical injury?
Yes _____ No _____

(b) Please explain in detail why you are under imminent danger of serious physical injury:

4. (a) Are you presently employed at the Institution? Yes ____ No ____

(b) If yes, what is your monthly compensation? \$____

5. Do you own any cash or other property; have a bank account; or receive money from any source? Yes ____ No ____

If the answer is "yes" to any of the above, describe each source and the amount involved.

I certify under penalty of perjury that the foregoing is true and correct

Executed on _____
(Date)

(Signature of Plaintiff)

This certification is executed pursuant to Title 28, United States Code, Section 1746.

AUTHORIZATION

(Prisoner's Account Only)

NOTE: Completing this authorization form satisfies your obligation under 28 U.S.C. § 1915(a)(2) to submit a certified copy of your trust fund account.

I, _____, request and authorize the agency holding custody to send to the Clerk of Court, United States District Court for the Middle District of Pennsylvania a certified copy of the statement for the past six months of my trust fund account (or institutional equivalent) at the institution where I am incarcerated. I further request and authorize the agency having me in custody to calculate and disburse funds from my trust account (or institutional equivalent) in amounts specified by 28 U.S.C § 1915(b).

This authorization is furnished in connection with the filing of a civil action, and I understand that the filing fee for the complaint is \$150.00. I also understand that the entire filing fee will be deducted from my account regardless of the outcome of my civil action. This authorization shall apply to any agency into whose custody I may be transferred.

Date: _____, 19____

Signature of Prisoner

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

July 24, 2001

Re: 1:01-cv-01064 Hue v. Updike

True and correct copies of the attached were mailed by the clerk
to the following:

Phan Hue
SCI-RETREAT
DY-0577
660 State Route 11
Hunlock Creek, PA 18621

w/2 forms

cc:

Judge	(<input checked="" type="checkbox"/>)	() Pro Se Law Clerk
Magistrate Judge	(<input checked="" type="checkbox"/>)	() INS
U.S. Marshal	()	() Jury Clerk
Probation	()	
U.S. Attorney	()	
Atty. for Deft.	()	
Defendant	()	
Warden	()	
Bureau of Prisons	()	
Ct Reporter	()	
Ctroom Deputy	()	
Orig-Security	()	
Federal Public Defender	()	
Summons Issued	()	with N/C attached to complt. and served by: U.S. Marshal () Pltf's Attorney ()
Standard Order 93-5	()	
Order to Show Cause	()	with Petition attached & mailed certified mail to: US Atty Gen () PA Atty Gen () DA of County () Respondents ()
Bankruptcy Court	()	
Other _____	()	

MARY E. D'ANDREA, Clerk

DATE: _____

7/24/01

BY: _____

[Signature]
Deputy Clerk